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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,554	10/13/2000	Steven J. Grenier	A0324/7017/KDW	9016

7590

05/22/2003

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EXAMINER

HASHMI, ZIA R

ART UNIT

PAPER NUMBER

2881

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,554

Applicant(s)

GRENIER, STEVEN J.

Examiner

Zia R. Hashmi

Art Unit

2881

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. According to Amendment B received on November 15, 2002, independent claims 1, 9, 16, 22, 27, 32 and 37 have been amended, as indicated.

Response to Amendment

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-40 are rejected under U.S.C. 103(a) as being unpatentable over Perry (5,272,349), in view of Gaines (4,314,157).
5. With respect to independent claims 1, 9, 16, 22, 26-27, 32, and 37, and dependent claims 8, 10-12, 17-19, and 26, Perry discloses a radioactive source handling method and apparatus comprising of aligned (col. 3, lines 14-15) housing or jacket (col. 3, lines 29-34 and col. 6, lines 50-53), with locking means (col. 3, lines 33-34 and col. 6, lines 60-62), removably secured to the radioactive source housing, containing a radioactive source surrounded by a shield assembly, with one of the shields made of tungsten (Abstract, lines 5-7, col. 3, lines 7-10 and col. 4, lines 21-22), with end plates (col. 3, lines 29-32, 35-40, 49-50, 55-60, col. 6, lines 35-39, and

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Figures 1, and 3), brackets and removable pins to secure the shields (col. 3, lines 50-56 and Fig.1). Perry also discloses a method of unlocking a shield that blocks the radiation source (col. 4, lines 13-15), so as to unblock the radiation source opening and moving a radiation source from within the enclosure through the radiation source opening (col. 3, lines 54-57 and 64-66).

6. With respect to claims 1-7, 13-16, 20-25, 27-36 and 38-40, Perry fails to disclose a handle constructed and arranged to carry radiographic exposure device or camera, or a conduit for radioactive source, connector assembly for the radiographic device, or an aligned guide cable. Gaines, however, discloses method and apparatus for radiographic exposure (Abstract, lines 1-2, col. 4, lines 9-10 and Fig. 1-3), a handle positioned between front and back ends of the jacket or housing, constructed and arranged to carry the radiographic device, (col. 4, lines 42-43 and 42 in Fig. 2), with a locking mechanism (col. 1, lines 54-62, col. 4, line 20 and 24 in Fig. 1), with aligned opening communicating with the pathway (col. 4, lines 44-51 and 28 in Fig. 2); and adapted to receive a flexible guide cable that allows to expose to the radioactive source (col. 4, lines 28-40 and 28, 34 & 36 in Fig. 2), with a remote control (col. 4, lines 28-40 and 34 in Fig. 1). Gaines further discloses that the connector assembly is adapted to received a guide cable fitting to move the slider (col. 4, lines 62-67), rotary means of alignment (48 in Fig. 4 and 9), with radiation source opening in the radiographic exposure device through which a radiation source can pass through (col. 4, lines 44-45 and 28, 50, & 56 in Fig. 2).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Perry's method and apparatus so as to incorporate the features of Gaines as describe above, make housing of polyurethane, and shields made of depleted uranium with sliding locking mechanism and rotary means of opening and closing, because Perry teaches (col.1, lines 30-33) that handling of radioactive sources must be done very carefully to minimize exposure to the operator during installation and transport.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zia Hashmi whose telephone number is (703) 305-0419.

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The examiner can normally be reached between 8.30 AM- 5 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (703) 308-4116.

Zia Hashmi

May 14, 2003.

JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800